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09/843,789	04/26/2001	JJ Garcia-Luna-Aceves	5543P002	3362

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BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

CHOWDHARY, ANITA

ART UNIT

PAPER NUMBER

2153

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6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/843,789	J.J Garcial-Luna-Aceves et al.
Examiner	Art Unit	
Anita Choudhary	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 26 April 2001 .

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-34 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-34 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 26 April 2001 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____ .
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . 6) Other: _____ .

DETAILED ACTION

Claims 1-34 are pending.

Priority

This application claims priority to provisional applications 60/ 200,401; 60/200,404; 60/200,402; 60/200,511; 60/200,402; and 60/200,403.

The effective filing date for the subject matter defined in the pending claims in the application is April 28, 2000.

Claim Objections

Claims 30 and 32 are objected to because of the following informalities:

Claim 30 line 2 states “the redirect DNS cache selection process”. Examiner understands this should read, “the remote DNS cache selection process”.

Claim 32 line 2 has minor grammatical error. It states, “will loaded only after some user action” but should read “will be loaded only after some user action”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10, 21-28, and 31-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Ebrahim (EP 0817444).

In referring to claim 1, Ebrahim shows a context dependent, multiple binding name resolution system. A clients' request is resolved to the appropriate IP address according to predetermined criteria. Ebrahim discloses:

Receiving a request for an information object from a client; and (figure 3 item 10)

Determining accordingly to an information repository selection procedure (binding procedure of the name resolver), which of a number of information objects repositories should service the request for the information object without regard as to whether the information object is actually stored at the information object repository selected according to the selection procedure (col. 2 lines 20-39).

In referring to claim 2, Ebrahim shows mapping an address of the client to an address of the selected service (col. 4 lines 55- col. 5 line 5, col. 6 lines 24-45).

In referring to claim 3, Ebrahim shows mapping is made according to specified performance metrics (col. 3 lines 14-21, col. 6 line 24- col. 7 line 5).

In referring to claim 4, Ebrahim shows specified performance metrics comprise of methods including considering load on destination (col. 5 lines 6-16, col. 6 line 24-col. 7 line 5, fig. 3, 30).

In referring to claim 5, Ebrahim shows the address of the information object repository (destination) is selected from a number of addresses of information object repositories (destination) (col. 2 lines 20-39).

In referring to claim 6, Ebrahim shows instructing the selected destination to obtain a copy of the information object (col. 2 lines 20-39).

In referring to claim 7, Ebrahim shows direct cache selection process and local DNS cache selection process (col. 4 lines 15-30, col. 2 lines 20-39).

In referring to claim 8, Ebrahim shows the direct cache selection process comprises contacting, using a web server (150), which received the request from the client (100), to contact a web router to obtain an address of a topologically close information object repository (destination) to the requestor (col. 2 line 49- col. 3 line 5, fig. 4)

In referring to claim 9, Ebrahim shows a process further comprises of receiving, at the web server from the web router, an address for the topologically close service (col. 2 line 49- col. 3 line 5, fig. 4).

In referring to claim 10, Ebrahim shows returning from the web server to the client, a URL which contains the address of the topologically close service destination (col. 4 lines 10-30).

In referring to claim 21, Ebrahim shows a local DNS cache selection process comprises returning, from a web server (150) which received the request from the client, a URL containing a statically configured domain name (col. 2 lines 32-39, col. 4 lines 10-30).

In referring to claim 22, Ebrahim shows the local DNS cache selection process further comprises providing, from a DNS server (name resolver 180), the statically configured domain name to a web router (col. 4 lines 31-38).

In referring to claim 23, Ebrahim shows the local DNS cache selection process further comprises receiving, from the Web router, an address of a topologically close service (col. 2 line 56- col. 3 line 5).

In referring to claim 24, Ebrahim shows the DNS Server (name resolver) providing the client with the address of the topologically close destination (col. 4 lines 31-38).

In referring to claim 25, Ebrahim shows direct cache selection combined with redirect cache selection (col. 4 lines 10-20)

In referring to claim 26, Ebrahim shows direct cache selection combined with a remote DNS (300) process (see figure 5).

In referring to claim 27, Ebrahim shows direct cache selection process combined with local DNS cache (name resolver180) selection process (figure 4, col. 2 lines 20-39).

In referring to claim 28, Ebrahim shows direct cache selection with remote (300) and local (180) DNS selection (figure 5, col. 8 lines 1-16).

In referring to claim 31, Ebrahim shows direct cache selecting process used to obtain object immediately loaded without user action (col. 4 lines 40-44).

In referring to claim 32-34, Ebrahim shows redirect cache selection, local DNS (180) cache selection, and remote DNS (300) cache selection process loaded only after some user interaction (col. 4 lines 15-20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-15 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ebrahim in view of Johnson et al (US 6,205,477).

In referring to claim 11, although Ebrahim shows substantial features of the claimed invention, Ebrahim does not show redirect cache selection comprising of redirecting Web router. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Ebrahim as shown by Johnson.

In an analogous art Johnson shows a system for redirecting service requests among a plurality of services using portion metrics. Johnson discloses:

A redirect cache selection process comprising of contacting, using a web server (72) which received the client request from the client, a web router (82) to obtain an address of a redirecting web router which will service the request (col. 5 lines 39-53)

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system disclosed by Ebrahim, to employ the features shown by Johnson, in order to provide dynamic and transparent scalable traffic load distribution between multiple dispersed servers (see Johnson col. 5 lines 57-61).

In referring to claim 12, Johnson shows returning from web server (72) a URL that contains address of redirecting web router (col. 10 lines 26-52, col. 11 lines 13-16).

In referring to claim 13, Johnson shows contacting the redirecting web router at the address contained in the URL with the request for the information object (col. 11 lines 18-23).

In referring to claim 14, Johnson shows redirecting from the Web router (82), the client to a topologically close server which will service the request for information (col. 5 lines 44-61).

In referring to claim 15, Johnson shows redirecting is accomplished using a HTTP redirect (col. 10 lines 26-30).

In referring to claim 29, Johnson shows combining a redirect cache selection process with remote DNS cache selection process (col. 10 line 26-52).

In referring to claim 30, Johnson shows combining a redirect cache selection process (HTTP redirect mode) with remote and local DNS selection process (col. 6 lines 61- col. 7 line 3).

Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ebrahim in view of Chauhan (EP 0959 601).

In referring to claim 16, although Ebrahim shows substantial features of the claimed invention including returning from a web server a statically configured domain name (col. 2 lines 32-39), Ebrahim does not show remote DNS cache selection process with redirector DNS server. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Ebrahim, as evidenced by Chauhan.

In an analogous art, Chauhan shows a system for selecting a server from a plurality of mirrored sites. Chauhan discloses:

A remote cache selection process composes returning to client a statically configured domain name of a redirector DNS server (ONS) (col. 3 line 55- col. 4 line 4).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system disclosed by Ebrahim to employ the feature shown by Chauhan in order to optimize access and find the best route to a destination (see Chauhan col. 3 lines 49-52).

In referring to claim 17, Chauhan shows a system wherein remote DNS cache selection process further comprises resolving, at the redirector DNS server (ONS), the statically configured domain name to produce a resolved domain name (col. 4 line 4-13).

In referring to claim 18, Chauhan shows a system wherein remote DNS cache selection process further composes providing, from the redirector DNS server (ONS) the resolved domain name to a router (fig. 4 406a/b, col. 9 lines 1-11).

In referring to claim 19, Chauhan shows remote DNS cache selection process comprises receiving, at the redirector DNS server and from the Web router, an address of a topologically close site for the client (fig. 5 508, fig. 6 610)

In referring to claim 20, Chauhan shows providing from the redirector server the address of the topologically close site to the client (fig. 5 506, fig. 6 618).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

AC
June 11, 2003



GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100